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The Right Flier Newsletter

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## Right Flier: Newsletter of the AAUP-WSU Volume 3, Number 3, February 2003

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# The Right Flier

Newsletter of the WSU-AAUP

Volume 3, Number 3, February 2003

## Explanation of Proposed Constitution and Bylaws Amendments

The Constitution and Bylaws of the Chapter requires that any proposed amendments to the Bylaws be presented to the membership with reasons for the proposed changes. This newsletter is devoted to explanations of the amendments proposed by the Executive Committee. We had four primary goals in revising these bylaws: 1) to make sure that the bylaws reflect the current practice, 2) to propose changes which will solve problems which have been identified through the practice of these bylaws, 3) to remove language specific to the first contract, and 4) to ensure that a complete change in the Executive Committee does not occur in the middle of contract negotiations.

The copy of the proposed changes to the Chapter Constitution and Bylaws is included with this newsletter. There were no proposed changes to Articles 1 or 2, so these were not included in this copy. The explanations below each have an identifying string (for example, III.A.3), which refers to the Article, Section, and Subsection of the Constitution and Bylaws. Sometimes when there were multiple changes throughout a Subsection, explanations are separated by bullets.

### **Special Winter Quarter Chapter Meeting March 21<sup>st</sup> (note date change)**

054 Rike Hall on Main Campus, 12:00 pm, (Lake Campus location: 151 Dwyer)

**Purpose: to vote on the proposed amendments to the Chapter's Constitution and Bylaws**

Refreshments (pizza and soft drinks) will be served at both locations.

- III.A.3.** Now that all dues and fair-share fees are paid by payroll deduction, dues arrears are not possible.
- III.C.3.** Submission of the appropriate Payroll Deduction Form to Human Resources begins either Regular or Associate Chapter membership, which would initiate all member's rights.
- III.C.4.** clarification: this provision applies only to discipline imposed by the AAUP chapter rather than discipline as defined in our collective bargaining agreement.
- IV.A.** This language calls for the creation of a new elected officer and sets up a staggered election of officers. Additional language says that the staggered elections will not preclude any sitting officer from seeking an office (such as president) when those elections are held.
- We propose a new elected office: COMMUNICATIONS OFFICER (see later for associated duties of this office).
  - We propose that officers be elected in a staggered manner, with half of the officers elected in alternate even or odd years. This change ensures some continuity and institutional memory within the Executive Committee, particularly essential during contract negotiations. The electoral staggering begins with the 2004 election; to implement staggering, 4 officers will be elected just this once to 3-year terms.
  - While a current Executive Committee member can run for another office, if elected, that person must assume the newly-elected position. Thus, one person cannot hold two Executive Committee offices concurrently. For example, this clause would allow a sitting vice president to run for the office of president, once the staggered terms are in place. If the vice president was elected to president, then a special election would be called for the vice president position, which would fill the remaining year left in that office.
- IV.A.1.** This section clarifies the responsibilities of the president and adds some restrictions.
- Who speaks to the press on behalf of WSU-AAUP? This section gives this responsibility to the President, unless he/she delegates it to the Communications Officer. This section also means that no one else is permitted to do such press interactions.
  - The president will be on all committees but will not vote on any (except for the Executive Committee), so as to maintain contact with all Chapter deliberations
  - The president will not be a member of the negotiating team. Why not allow the Chapter President to be on the Negotiation Team? There are several reasons: (1) to allow the president time and energy to take care of all other duties during negotiations; (2) to assure the accountability of the work done by the negotiators, the president must remain separated from the Team, participate in the objective assessment of their activities, assure their adherence to Membership wishes, and in general to assure that the Negotiation Team is subject to the 'checks and balances' inherent in union governance.

- IV.A.2.** This section gives our vice president some explicit duties. It also lets the Executive Committee override any presidentially-assigned vice-president duty, particularly if they felt it was inappropriate.
- IV.A.3.** Assigns oversight of all minute-taking and minute-approvals processes to the Secretary. Also gives the Secretary responsibility for maintaining the roll of all persons in the CB unit (including Regular or Associate Member, non-member or objector status) as well as all the other financial (current and past salary information, monthly dues or fair share deduction) and pertinent professional information (e.g., department, rank, years in rank, phone number, tenure status, etc.) in a database. The Secretary will provide database information, as needed, to national & state AAUP as well as to the Treasurer (who will use this information to pay quarterly state and national dues). Some duties are deleted because these duties have been reassigned to other members of the Executive Committee.
- IV.A.4.** Communication Officer is a proposed new position, with a voting seat on the Executive Committee. This position encompasses a considerable amount of work, currently done by our Secretary. To avoid over-burdening the Secretary, we need one person to be in charge of our Web site, produce communications to the Membership, and co-edit our newsletter, *The Right Flier*. If the president requests, this officer will answer inquiries from the press.
- IV.A.5.** Because we won the right to fair-share fees, we have added to the treasurer's duties the oversight of the determination of the percentage of collective bargaining fees which fair share 'objectors' must pay. The actual determination is done extramurally by our hired accountant. The treasurer's annual presentation of a budget for Membership approval will occur in the Fall Quarter meeting, since our budget begins in January of the new year.
- IV.B.1.** The previous referenced article was incorrect. The correct article is VI A & B.
- IV.B.3.** When a newly elected position is created to split off some duties from a previous elected position, we wanted to ensure that the officer performing some of those duties would have the opportunity to move into this new position without going through an election. A special election will be held to fill the remaining vacant position as soon as possible.
- V.A.** With the creation of the communications officer, we will now have seven elected officers of the Executive Committee. The language which included chairpersons of all active committees (ex officio, non-voting) and the past chapter president (ex officio, non-voting) on the Executive Committee was deleted, as we have no active committee and no past chapter president has ever attended these meetings.
- V.B.3.** The vice president is now in charge of the highly-important job of seeking new members, and may assign some recruiting duties to other members of the Executive Committee.
- V.B.7.** The Executive Committee's voting members will annually evaluate the Grievance and Contract Administration (GCA) Officer (absent both appointed members) and will decide whether or not to retain the GCA's services for another year. The GCA may respond to this evaluation.
- V.B.9.** Rather than appoint a Chief Negotiator only during contract negotiations, he/she will be a permanent non-voting member of the Executive Committee. It was decided that the Chief Negotiator needed to be informed of the daily issues facing the Executive Committee in preparation for the next round of contract negotiations. The Executive Committee's voting members will annually evaluate the Chief Negotiator (absent both appointed members) and decide whether or not to retain the Chief Negotiator services for another year. The Chief Negotiator may respond to this evaluation. Language that referred to appointing a Chief Negotiator and Negotiating Team for the first contract was removed.
- V.B.11.** The newsletter, *The Right Flier*, may be produced in electronic (e.g., email attachment) or in the traditional paper format, and can cover "matters" deemed important and appropriate for publication by the Executive Committee.
- V.B.12.** For ratification, the Executive Committee must send all eligible members of the bargaining unit a copy of the proposed CBA. We struck the language that said any contract proposal must include the Bargaining Council's recommendation, since our Bargaining Council usually has the Negotiating Team continue negotiating until they are satisfied with the results.
- V.B.13.** It is the Executive Committee which appoints chairs of WSU-AAUP committees as well as chairs, co-chairs, and/or members of those contract-created special joint university/WSU-AAUP committees (e.g., the Faculty Governance Committee).

**V.B.15.** Occasionally, between negotiations, it is necessary to devise minor changes to the contract and/or to make some interim agreement with the university administration. Such interactions must be done by at least two Executive Committee members and be approved in written form by a vote by entire Executive Committee. At least a 2/3-approval vote must be obtained from the Executive Committee, or the item must be taken to the RCMs for a vote, as outlined in article X.F.4.

**V.C.1** Standing and ad-hoc committees are created by the Executive Committee.

**VI.A.** Nominating Committee:

- The vice president is the chair.
- The at-large committee member is elected annually by the Membership.
- The "call for nominations" will occur approximately 4 months prior to the end of the incumbent term.
- For special elections, the "call" occurs between immediately and 4 months prior to the outgoing officer's planned resignation date.
- This language will allow for a training period, particularly for the secretary, treasurer, and communication officer positions, prior to newly elected officer(s) taking office.

**VI.B.1.** Ballot secrecy is provided by having the ballot returned in a small unmarked sealed envelope which is inside of a larger envelope indicating the voter's name. This method has worked well for the Chapter in past elections and should be incorporated into the Constitution and Bylaws so that other methods, which may be less desirable, will not be used without an amendment of these bylaws. Language that designates the secretary as the recipient of these ballots has been struck. Individuals responsible for counting the ballots in different types of elections are now specified throughout the Constitution and Bylaws.

**VI.B.2.** This language is struck and replaced with language in VI.B.3.

**VI.B.3.** Ballots in election of Chapter officers are due by 4 hours before the Winter Quarter meeting. They are counted in the Chapter office by two officers (Grievance Officer and the Nominating Committee's at-large member: chosen because they have no conflict of interest in these elections); any WSU-AAUP Member may witness this process. The results will be announced at the Winter Quarter Chapter meeting. The time of the election has been moved to the Winter Quarter to allow for the training period for the new officers, prior to their taking office.

**VI.B.5.** This redefines the nature of special elections: The Nominating Committee is encouraged to elect a replacement as soon as possible to allow time for training of the new officer. But they must also guard against rushing the voting process by allowing 2 weeks for ballots to be returned.

**VI.C.** Officers elected in Winter Quarter begin their term of office on the 1<sup>st</sup> day of June. When any required training (viz., for treasurer, secretary, communications officer) is completed, the new officers are eligible for course-release(s) for the term of office, if approved by the Executive Committee. This language also allows the newly elected vice-president or president to attend Executive Committee meetings prior to the beginning of their term (and gain some experience), with the unanimous approval of the sitting Executive Committee.

**VII.A.** The Chapter will have at least 1 meeting per year which does not include collective bargaining issues, so that associate (i.e., non-bargaining unit) members are eligible to attend.

**VII.D.** The quorum for Chapter business meetings is increased from 10 to 20 RCMs.

**VIII.B.** Anachronistic language removed. Removed language referring to payment of dues by check.

**VIII.D.** Removed local dues alteration language: changing the local dues would require an amendment of the bylaws, which should be approved through that process (article XI).

**VIII.E.** Details of counting ballots and reporting results of a special dues assessment vote.

**VIII.F.** All dues will be paid by payroll deduction only. This eliminates the possibility of dues in arrears, so the section that follows, concerning dues in arrears, is completely struck.

**VIII.G.** Language clarification.

- X.A.** Rewrites of "Overview", adding clarification of Bargaining Council and negotiators' roles. . Based on past practice, the Executive Committee and the Negotiating Team formulate the initial drafts of the collective bargaining proposals. This has been done by polling the RCMs about their priorities. The proposals are then reviewed – article by article – by the Bargaining Council.
- Based on the advice of the Bargaining Council, the Executive Committee will set the limits for negotiated items.
  - none of the Negotiating Team attends initial Bargaining Council sessions, which removes any conflict of interest;
  - subsequent changes to Bargaining Council proposals must receive Bargaining Council approval;
  - Bargaining Council gets periodic updates from Chief Negotiator & possibly other negotiators during negotiations;
  - Membership will be polled on any big changes to negotiation proposals as per Chief Negotiator's wishes; needs >30% Membership response to accept.
  - Proposals from Chief Negotiator must be approved by Executive Committee and then by Bargaining Council
  - For security reasons, Bargaining Council proposals (especially for economic issues) will have no lower limits set.
- X.B.** Bargaining Council members can have a single standing alternate attend in his/her place. The alternate can go to Bargaining Council meetings with the regular member but cannot vote. This change was to encourage the alternates to attend the Bargaining Council meetings along with their elected representatives in order to gain some continuity in the understanding of the issues discussed at Bargaining Council.
- X.C.** This language removes a specific reference to Lake Campus and replaces it with the colleges named in X.B. (which included Lake Campus). This language also removes specific Bargaining Council selection date for the initial Bargaining Council.
- X.D.** Clarifies and updates Bargaining Council duties, as well as eliminates ideas that did not work. Surveying the priorities of the Membership will be done by Negotiation Team and Executive Committee as described in X.E.2.
- X.E.** Surveying of Membership on CB matters will be done by Negotiation Team and Executive Committee. Proposals for negotiation can come from Negotiation Team, Bargaining Council, or Executive Committee. This clarifies that it is not just the negotiating team who can submit proposals. Moreover, as a member of the Executive Committee, it is important that the Chief Negotiator works with the Executive Committee in polling the Chapter or RCMs about faculty priorities. Negotiating Team members assist Chief Negotiator in gathering data relevant to negotiations.
- X.F.1.** This makes explicit that the proposed contract can be made available either electronically or via hard copy. It also specifies that the Executive Committee will provide hard copies upon request. For convenience, the Executive Committee added a clause that permits out-of-town RCMs to vote via email during summer ratification processes.
- X.F.2.** Clarification of quickly implemented ratification votes.
- X.F.3.** Clarification of mail ballot voting process used in contract ratification and details who will count the votes in the chapter office, in the presence of any interested RCMs. Email votes may be accepted from out of town RCMs under the described conditions.
- X.F.4.** Between negotiations, major modifications of the contract are to be approved by the RCMs. Language relating to when a contract becomes binding was deleted since this is set by state law (ORC 4117) and our previous language did not include all possibilities
- XI.** This language clarifies some of the original intent and reduces the time for sending proposed amendments, including reasons and any known objections, from 30 days before the meeting to 15 days before the meeting. It was felt that 30 days was too long of a time between receiving the information and voting.

**SPECIAL CHAPTER MEETING REMINDER: March 21<sup>st</sup> (note date change)**

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